

MEMORANDUM ENDORSED ORDER

Loritz Melendez v. Westchester County Chapter of the American Red Cross, et al
07 Civ. 8094 (KMK)(GAY)

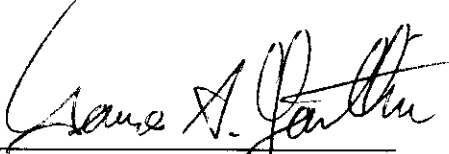
Before the Court is a discovery dispute concerning plaintiff's request to have defendant Dutchess County Chapter of the American Red Cross provide her personnel file for discovery. Plaintiff contends that the materials in the file are relevant to proving her good job performance while employed at said chapter. She alleges that said records would contradict the negative recommendation that she received when applying for a position at the Westchester chapter. Plaintiff has claimed retaliation for her prior EEOC complaint against the Dutchess County chapter. Defendants assert that the Executive Director of the Dutchess County chapter gave his recommendation of plaintiff based solely upon his personal observations of her, and interactions with her. Defendants also contend that the Executive Director did not evaluate plaintiff, had no input into her job performance appraisals, and that there would be nothing in the files that would reflect any evaluation by him of plaintiff.

The Court concludes that the plaintiff's personnel file is relevant to the claim herein and reasonably likely to lead to admissible evidence. This is particularly so given the broad, liberal federal discovery standards. Moreover, there are no privacy issues as the personnel file would be of plaintiff's own records. No undue burden is involved in producing the file.

Accordingly, the Court directs defendant Dutchess County chapter to produce the file for discovery within 10 days.

SO ORDERED:

Dated: August 21, 2008
White Plains, New York



GEORGE A. YANTHIS U.S.M.J.

